

SENATE JOURNAL

Sixty-first Legislature—Second Called Session

AUSTIN, TEXAS, WEDNESDAY, AUGUST 27, 1969

PROCEEDINGS

FIRST DAY

(Wednesday, August 27, 1969)

In obedience to the proclamation of the Honorable Preston Smith, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the twenty-seventh day of August, 1969, at 11:00 o'clock a.m., and was called to order by the President.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Berry

The President announced a quorum of the Senate present.

Leave of Absence

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Bates.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

August 26, 1969.

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 5, of the Constitution of Texas, I, Preston Smith, Governor of the State of Texas, do hereby call a special session of the 61st Legislature to be convened in the City of Austin, commencing at 11:00 a.m., Wednesday, the 27th day of August, 1969, for the following purposes:

1. To enact a two-year general appropriations bill for the general state services for the biennium beginning September 1, 1969 and ending August 31, 1971.

2. To provide for sufficient revenue measures to raise adequate revenue to cover the expenditures under said general appropriations bills on a "pay as you go" basis.

3. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

In Testimony Whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 26th day of August, A.D., 1969.

[SEAL] PRESTON SMITH,
Governor of Texas.

By the Governor:
MARTIN DIES, JR.,
Secretary of State.

The Proclamation was read and was filed with the Secretary of the Senate.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

August 27, 1969.

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a Committee to Notify the House: Senators Jordan, Grover, Watson, Snelson and Bernal.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

August 27, 1969

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a Committee to Notify the Governor: Senators Ratliff, Wilson, Harrington, Christie and Patman.

Senate Resolution 1 (Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,
August 27, 1969

Honorable Ben Barnes,
President of the Senate,
Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 16 Members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the Second Called Session of the 61st Legislature at the will of the Senate, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$1,475 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by

the Secretary of the Senate, \$18 per day.

Journal Clerk, Minnie Meier, \$25 per day; Assistant Journal Clerk, \$20 per day.

Sergeant-at-Arms, for the duration of the Second Called Session, Jeff Davis, \$950 per month.

Doorkeeper, Charles Jones, \$19 per day.

Chaplain, W. H. Townsend, \$15 per day.

Calendar Clerk, Arline Morse, \$25 per day.

Engrossing and Enrolling Clerk, Essie McGinnis, \$25 per day.

Mailing Clerk, Mrs. John Draper, \$25 per day.

Parliamentarian, named by the Lieutenant Governor, Frank Elliott, \$30 per day.

It is recommended that the Lieutenant Governor and the Secretary of Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$25 per day and the secretary to the Secretary of the Senate to receive \$22 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expenses Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the Second Called Session of the 61st Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$125 per day for each such Senator's secretary and employees with the maximum of \$18 per day for any such secretary or other office employee other than legal staff with approval of Contingent Expenses Committee. The names of such employees as are not employed directly in a Senator's office shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$12 per day each, and the salaries of the porters shall be \$12.50 per day each, except the head porter whose salary shall be \$17.50 per day and an assistant head porter at \$15.50 per day, and the porter carrying the mail shall receive \$10 per day, and the salaries of the pages shall be \$7.50 per day, \$4 for one-half time, and the salaries of the messengers shall be \$5.50 per day.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and

receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,500 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the Members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily Journal.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants, for pay of the Members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, the Librarian be permitted to subscribe for four newspapers to be paid out of the contingent fund.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, That no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless

that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privilege of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,
AIKIN,
Chairman of the Caucus
HIGHTOWER,
Secretary of the Caucus.

On motion of Senator Aikin, and by unanimous consent, the reading of the resolution was dispensed with and the resolution was adopted.

Senate Resolution 2

Senator Schwartz offered the following resolution:

Resolved, That the permanent rules of the Senate of the 61st Legislature as adopted by the Senate on January 27, 1969, and as published in the supplement of the Manual of the 61st Legislature and as amended by the 61st Legislature, be adopted as the permanent rules of the Senate of the 61st Legislature, Second Called Session.

SCHWARTZ
AIKIN

The resolution was read and was adopted by the following vote:

Yeas—30

Aikin	Harris
Bates	Hazlewood
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Snelson

Strong	Wilson
Watson	Word

Absent—Excused

Berry

Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative Jungmichel for the committee announced that the House of Representatives was organized and ready to transact business.

Officers of the Senate

The President announced that the duly-elected officers of the Senate named in the Caucus Report for the 61st Legislature would continue in office for the Second Called Session of the 61st Legislature.

(Senator Strong in Chair).

House Notified

The Committee to notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Jordan for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Governor Notified

The Committee to notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Ratliff for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Message From the House

Hall of the House of Representatives
Austin, Texas,
August 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 1, Providing for a Joint Session of the Legislature on August 27, 1969 at 12 noon to hear

an address by Governor Preston Smith.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
(President in Chair).

House Concurrent Resolution 1 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 1, Providing for a Joint Session of the Legislature on August 27, 1969 at 12 noon to hear an address by Governor Preston Smith.

The resolution was read and was adopted.

Election of President Pro Tempore for Second Called Session of the Sixty-first Legislature

The President announced the election of a President Pro Tempore as the next order of business.

Senator Cole nominated Senator J. P. Word as President Pro Tempore for the Second Called Session of the Sixty-first Legislature.

There being no further nominations, the President announced the appointment of the following as Tellers to take up and count the ballots: Senators Aikin and Ratliff.

The ballots were taken up and counted and the President announced that Senator Word had received 29 votes with 1 present not voting for President Pro Tempore of the Second Called Session of the Sixty-first Legislature and declared him duly elected.

The President appointed Senators Watson, Hightower, Strong and Patman to escort Senator Word to the President's Rostrum.

Senator Word was administered the Constitutional Oath of Office by the President of the Senate as President Pro Tempore of the Second Called Session of the Sixty-first Legislature. The President then presented President Pro Tempore Word to the Senate.

At Ease

The President announced, at 11:24 o'clock a.m., that the Senate would Stand At Ease Subject to the Joint Session.

Joint Session

(To hear address of Governor Preston Smith)

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 12:00 o'clock M. to hear the address of the Honorable Preston Smith, Governor of Texas, pursuant to the provisions of H. C. R. No. 1.

On invitation of the Speaker, the President occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Preston Smith, Governor of the State of Texas, was announced by the Doorkeeper of the House.

The Governor proceeded to the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gus Mutscher, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker presented His Excellency, the Honorable Preston Smith, Governor of the State of Texas.

Governor Smith addressed the Joint Session as follows:

Lieutenant Governor Barnes
Speaker Mutscher Members
of the Legislature . . . and Guests:

My remarks will be brief. Time is precious, and too much of it has already been consumed in talk.

Next Sunday at midnight, August 31, the state fiscal year will end. All state appropriations will expire.

We are compelled, by every measure of reason and law, to finance the state government by September 1.

I could dwell at length on what would happen otherwise. Every function of state government would be paralyzed or thrown into a state of uncertainty and confusion.

—290,000 welfare checks could not be sent to needy citizens and dependent children. Indeed, the welfare checks already will be late because of no action by this Legislature.

—1,300 public school districts would wait in vain for state aid from a non-existent Foundation Fund.

—Contractors would be holding millions of dollars in unpaid claims for highway construction.

—Most rental contracts on office space, computers and other equipment would expire.

—Colleges and universities would open, if at all, under a cloud.

—State research and treatment would have to stop at M. D. Anderson and other hospitals.

—Retired teachers and state employees would not get their checks.

—The Department of Public Safety, the Health Department, the treatment centers for physically and mentally handicapped, the correctional institutions, all state financed departments, boards, commissions and agencies would grind to a halt.

The list of problems is long and complete.

I could go on and on.

But need I?

The chaotic conditions I have described should not happen—need not happen—must not happen.

Instead of action, we have been getting words—words such as Responsibility. Some have dedicated themselves to placing the blame on the Governor. I say to these Members—and they know who they are—"Don't push, don't shove. There will be blame enough for everyone."

We have been treated to a spectacle of petty quarreling, jealousies between houses, obstinate and self-serving positions, demagogic rhetoric, childish personalities, and undue interference from the lobby, I believe the people of Texas are sick and tired of it.

I know I am.

What the judgment of time will be upon the actions that this Governor and this Legislature have seen fit to take up to now, I do not know. It has been difficult to follow the bouncing ball day to day—or even from hour to hour.

But I do know where the ball is now. It is right here in this legislative hall.

I do not know who all should share responsibility for our dilemma, but I do know who is accountable to the people of Texas for providing and financing an adequate program for 1969-1971, and that is you.

There is no one else with a vote.

Another popular phrase around these halls has been "lack of leadership." Some people excuse their own failures by saying the Governor has not provided "leadership."

One of the oldest and truest proverbs I know is this one:

"You can lead a horse to water, but you can't make him drink."

As Governor of this State—in accord with my constitutional responsibility—I have made three separate and different recommendations to this Legislature for new taxes. The taxes are needed, and must be voted, to pay for the appropriations you have already voted or will vote when the money is available.

I have urged the Legislature to pass taxes of its own. I have even gone so far as to say I would accept almost any tax bill this Legislature could agree on.

You have been in session 170 days, and there is yet no tax bill.

What is asked of you is to supply the necessary revenue to cover the necessary appropriations—perhaps not with the same enthusiasm, but with the same diligence.

If my words sound harsh, let me assure you that they are spoken impersonally. With the exception only of a few members who have plainly stated they do not wish to be my friends, I feel a close personal relationship with the leaders and members of this Legislature.

I have tried to make myself available to you. I have tried to be helpful. I have tried to be reasonable. I have tried to be fair, and I don't want to be unfair now.

I realize that a good many members had no more voice in the workings of the first Special Session than if they had stayed home and written postcards.

I recognize and appreciate the obligations a member bears to his district and to his supporters.

But we have seen tax-writing efforts designed not to create a bill acceptable to a majority of both houses, but

one acceptable to a relatively few people—in and out of the Legislature.

And we have seen the maneuverings and heard the words of those who seem determined to wreck any bill they didn't write.

I still think that if as much effort were put into finding an answer as there has been in finding an excuse the first and principal purpose of this session can be speedily served.

We hear a lot about "commitments" around these legislative halls. It is now time to erase all "commitments" except to the people of the State of Texas.

Voting for taxes is never easy. However, I commend to you for consideration a story on the front page of The Austin American today.

It points out Texas is one of the lowest states in the nation in taxes per capita. Texans pay around \$200 per capita. The national average is \$338 per person. New York state has an average of \$503.

I recommend once more that you consider the tax sources I recommended at the start of the First Called Session.

There are other items than those I have recommended that you have considered and could consider again, and there are differing ideas about percentages to be applied.

As I have said before, I will accept any reasonable tax measure that will adequately and responsibly finance a two-year appropriations bill. The people have spoken clearly on this issue. As public servants we must heed that mandate, in spite of personal feelings.

We are proud to be citizens of the nation that just sent men to the moon; yet we seem unable to pass a tax bill that—with just a little give here and a little take there—ought to be passed in a single day.

I persist in believing that this Legislature is composed overwhelmingly of men and women who want to finish the job—promptly and responsibly.

The dissenters have been heard—in full. It is now time for all of us to join hands and take positive action in behalf of the people of this State.

At the conclusion of the Joint Session, the President stated the purpose of the Joint Session having been

concluded, the Senate would retire to its Chamber.

Legislative Session

The President called the Senate to order as In Legislative Session at 12:30 o'clock p.m.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Aikin:

S. B. No. 1, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the two-year period beginning September 1, 1969, and ending August 31, 1971; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

To the Committee on Finance.

By Senator Aikin:

S. B. No. 2, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1969, and ending September 30, 1969; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; providing a contingency clause; providing a savings clause; and declaring an emergency."

To the Committee on Finance.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 1, Providing for a Joint Session of the Legislature on August 27, 1969 at 12 Noon to hear an address by Governor Preston Smith.

Adjournment

On motion of Senator Aikin the Senate at 12:34 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SECOND DAY

(Thursday, August 28, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Berry Grover

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Bates.

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Hightower.

Message From the House

Hall of the House of Representatives
Austin, Texas,
August 28, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1, A bill to be entitled "An Act appropriating money for

the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1969 and ending October 31, 1969; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; providing a saving clause; providing a contingency clause; and declaring an emergency.

H. B. No. 2, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the two-year period beginning September 1, 1969, and ending August 31, 1971; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills on First Reading

The following bills received from the House were read the first time and referred to the Committee indicated:

H. B. No. 1, To Committee on Finance.

H. B. No. 2, To Committee on Finance.

Senate Resolution 3

Senator Hightower offered the following resolution:

Whereas, The Order of DeMolay, an organization of young men with more than 12,000 members and 100 chapters in Texas, is celebrating the Golden Anniversary of its founding this year; and

Whereas, Open to young men between the ages of 14 and 21, the Order of DeMolay's main objective is to teach all young men to live clean, manly, upright, and patriotic lives; prominent senior DeMolays include the Honorable Crawford Martin, Attorney General of Texas; Walter Cronkite, former Texan and internationally-known news commentator; Bob Mathias, Olympic champion;